

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Richter, Chair
Senator Legg, Vice Chair

MEETING DATE: Tuesday, November 17, 2015
TIME: 3:30—5:30 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Richter, Chair; Senator Legg, Vice Chair; Senators Braynon, Clemens, Flores, Gaetz, Hays, Negron, Smith, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SM 630 Bean (Identical HM 417)	Article V Convention for Congressional Term Limits; Applying to Congress to call a convention under Article V of the Constitution of the United States with the sole agenda of proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate, etc. EE 11/17/2015 Favorable RC	Favorable Yeas 5 Nays 4
2	SB 514 Richter (Identical H 355)	Supervisor of Elections Salaries; Revising the group rate used to calculate additional compensation for a supervisor of elections based on population increments, etc. EE 11/17/2015 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
3	Presentation of Legislative Priorities: Virindia Doss, Executive Director, Florida Ethics Commission Ron Labasky, General Counsel, Florida State Association of Supervisors of Elections		Presented
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SM 630

INTRODUCER: Senator Bean

SUBJECT: Article V Convention for Congressional Term Limits

DATE: November 9, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	Favorable
2.			RC	

I. Summary:

SM 630 is a memorial to the United States Congress calling upon it to convene an Article V convention for the sole purpose of proposing an amendment to the U.S. Constitution to limit the terms of office for members of Congress.

The memorial serves as a continuing application, in accordance with the requirements for calling a constitutional convention, until the legislatures of at least two-thirds of states (34) make such a request.

II. Present Situation:

As discussed in the memorial's *WHEREAS* clauses, voters in 1992 overwhelmingly approved an amendment to the Florida Constitution limiting the terms of Florida's congressional members, as well as other Florida statewide officers and state legislators.¹ The subsequent U.S. Supreme Court decision in *U.S. Term Limits, Inc. v. Thornton*,² however, effectively invalidated *the congressional term limits portion* of the amendment; the Court held that a state's attempt to limit congressional terms prescribed additional requirements for office in violation of the Qualifications Clauses of the U.S. Constitution.³

Article V of the U.S. Constitution provides two mechanisms for proposing amendments to the U.S. Constitution:

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be

¹ FLA. CONST., art. VI, s. 4(b).

² 514 U.S. 779 (1995).

³ *Id.*

valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress...

First, an amendment may be proposed upon a two-thirds vote of the U.S. House of Representatives and the Senate.⁴ Second, Congress must call an amendments convention upon the applications of two-thirds of the state legislatures (34 out of 50).⁵

Congress is authorized to choose the method by which states must ratify the proposed amendments. Congress may require ratification by ad hoc conventions in three-fourths of the states (38 out of 50) for the specific purpose of the consideration of amendments, or it may require that an amendment be ratified by three-fourths of the legislatures of the states.⁶

III. Effect of Proposed Changes:

SM 630 is a state application to the United States Congress calling upon it to convene an Article V convention for the *sole* purposes of proposing an amendment to the U.S. Constitution to limit the terms of office for members of Congress. It serves as a continuing application, in accordance with the requirements for calling a constitutional convention, until the legislatures of at least two-thirds of states (34) also apply to call for a convention on the issue of congressional term limits.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴ Thomas H. Neale, Congressional Research Service, *The Article V Convention: Contemporary Issues for Congress* (Apr. 11, 2014) p.1, available at <http://www.fas.org/sgp/crs/misc/R42589.pdf> (last accessed 11.12.2015) [hereinafter, Neale, *Article V Convention*].

⁵ *Id.*

⁶ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:**Previous Memorials on Term Limits**

In 2014, the Florida Legislature passed a memorial to Congress (SM 476) calling for an Article V convention to, among other things, limit the terms of office for “*federal officials* and members of Congress.”⁷ While SM 476 continues as a request to Congress, the removal of the term “*federal officials*” in the memorial under consideration may be viewed as a more limited, separate request *solely* for consideration of an amendment on *congressional* term limits.

Article V Constitutional Amendments Conventions

Because an Article V convention has never been conducted, what might actually occur procedurally or substantively is unclear.

Diverse scholars have raised, but not necessarily answered, many questions regarding the nature of an amendments convention. Some of those issues involve, in part:

- To what extent Congress would establish the framework for the convention;
- Whether the scope of the convention is limited in its focus or expanded to include other topics;
- Whether the states have any constitutional authority over the convention once it is convened;
- Whether it is the role of Congress to summon, convene, define, and administer the convention; or
- How convention delegates will be apportioned among the states and whether it might occur in a manner similar to the Electoral College.⁸

Congressional legislation was introduced between 1973 and 1992, in anticipation of an amendments convention being convened, that endeavored to develop a procedural framework

⁷ See SM 476 (2014). The memorial also sought a convention for amendments on the following issues: 1) imposing fiscal restraints on the federal government; and, 2) limiting the power and jurisdiction of the federal government. *Id.* Each of the proposed amendment categories was severable from one another and designed to be counted individually to satisfy the requirement that 34 state legislatures apply to Congress to call a constitutional convention. *Id.*

⁸ See generally, Neale, *Article V Convention*; see also, James Kenneth Rogers, *The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process*, 30 HARV. J.L & PUB. POL’Y 1005, 1009-1010 (2007), available at http://www.law.harvard.edu/students/orgs/jlpp/Vol30_No3_Rogersonline.pdf (last accessed 11.12.2015).

that would address the issues raised above and similar issues. None of the legislation passed both Houses of Congress.⁹

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁹ Neale, *Article V Convention*, at 26.

By Senator Bean

4-00537A-16

2016630__

Senate Memorial

A memorial to the Congress of the United States, applying to Congress to call a convention under Article V of the Constitution of the United States with the sole agenda of proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

WHEREAS, Article V of the Constitution of the United States requires Congress to call a convention for the sole purpose of proposing amendments to the Constitution upon application of two-thirds of the states, and

WHEREAS, a continuous and growing concern has been expressed that the best interests of the nation will be served by limiting the terms of members of Congress, and

WHEREAS, the voters of the State of Florida, by the gathering of petition signatures, placed on the general election ballot of 1992 a measure to limit the consecutive years of service for several offices, including the offices of United States Representative and United States Senator, and

WHEREAS, the voters of Florida incorporated this limitation into the State Constitution as Section 4 of Article VI, by an approval vote that exceeded 76 percent in the general election of 1992, and

WHEREAS, in 1995, the United States Supreme Court ruled in

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00537A-16

2016630__

U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995), a five-to-four decision, that the individual states did not possess the requisite authority to establish term limits, or additional qualifications, for persons elected to the United States House of Representatives or the United States Senate, and

WHEREAS, upon reflecting on the intent of the voters of this state and their overwhelming support for congressional term limits, the Legislature, in its 114th Regular Session since statehood in 1845, did express through a memorial to Congress the desire to receive an amendment to the Constitution of the United States to limit the number of consecutive terms that a person may serve in the United States House of Representatives or the United States Senate, and

WHEREAS, the Legislature, in its 118th Regular Session since statehood in 1845, does desire to see a convention called under Article V of the Constitution of the United States with the sole agenda of proposing an amendment to the Constitution of the United States on the subject of congressional term limits as specified in this memorial, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

(1) That the Legislature of the State of Florida does hereby make application to Congress, pursuant to Article V of the Constitution of the United States, to call an Article V convention with the sole agenda of proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00537A-16 2016630__

59 of terms that a person may be elected as a member of the United
60 States Senate.

61 (2) That this application does not revoke or supersede
62 Senate Memorial 476 as passed by the 2014 Florida Legislature,
63 but constitutes a separate, independent application addressing
64 congressional term limits as specified in this application.

65 (3) That this application is revoked and withdrawn,
66 nullified, and superseded to the same effect as if it had never
67 been passed, and retroactive to the date of passage, if it is
68 used for the purpose of calling a convention or used in support
69 of conducting a convention to amend the Constitution of the
70 United States with any agenda other than to set a limit on the
71 number of terms that a person may be elected as a member of the
72 United States House of Representatives and to set a limit on the
73 number of terms that a person may be elected as a member of the
74 United States Senate.

75 (4) That this application constitutes a continuing
76 application in accordance with Article V of the Constitution of
77 the United States until the legislatures of at least two-thirds
78 of the several states have made application on the subject of
79 congressional term limits as specified in this application.

80 (5) That this application be aggregated with the
81 applications from other states on the same subject for the
82 purpose of attaining the two-thirds majority needed to require
83 Congress to call a limited Article V convention as specified in
84 this application, but not be aggregated with any other
85 applications on any other subject.

86 BE IT FURTHER RESOLVED that copies of this application be
87 dispatched to the President of the United States, to the

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00537A-16 2016630__

88 President of the United States Senate, to the Speaker of the
89 United States House of Representatives, to each member of the
90 Florida delegation to the United States Congress, and to the
91 presiding officer of each house of the legislature of each
92 state.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/17/15

Meeting Date

SM 630

Bill Number (if applicable)

Topic TERM Limits CONVENTION OF STATES

Amendment Barcode (if applicable)

Name JOHN HALLMAN

Job Title LEGISLATIVE DIRECTOR

Address 5020 CR 316 A

Phone 352-200-1530

Street

BUSHWELL

FL

33513

City

State

Zip

Email JOHN.HALLMAN@JOHN.HALLMAN.ORG

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing LIBERTY FIRST NETWORK

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: CS/SB 514

INTRODUCER: Ethics and Elections Committee and Senator Richter

SUBJECT: Supervisor of Elections Salaries

DATE: November 17, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carlton</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2.	_____	_____	<u>ATD</u>	_____
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 514 addresses the base salaries and group rates used to calculate the salary of Florida's Supervisors of Elections (Supervisor). A Supervisor's salary is determined by the size of the population served.¹ For purposes of calculating the salary, there are six population groups. A base salary is established for each population group. Then, a group rate is established. The group rate is additional compensation for each additional person above the minimum population for that population group. The salary of a Supervisor is the base salary for his or her population group plus the group rate adjustment. This bill makes the base salaries and group rates used to calculate a Supervisor's salary the same as the current base salaries and group rates used to calculate the salaries of the Clerks of Circuit Court,² Property Appraisers,³ and the Tax Collectors.⁴

II. Present Situation:

The salary of a Supervisor of Elections is established pursuant to a formula in s. 145.09, F.S. This formula has not been changed since 1988.⁵ The formula is based upon six population groups, each of which is assigned a base salary. Then, a group rate is established for each

¹ Section 145.09, F.S.

² Section 145.051, F.S.

³ Section 145.10, F.S.

⁴ Section 145.11, F.S.

⁵ See ch. 88-175, Laws of Fla.

population group. The group rate is additional compensation for each additional person above the minimum population for that population group. The salary of a Supervisor is the base salary for his or her population group plus the group rate adjustment.⁶

The current population groups, base salary, and group rates for Supervisors of Elections are:

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$17,228	\$0.075
II	50,000	99,999	20,228	0.060
III	100,000	199,999	23,228	0.025
IV	200,000	399,999	25,728	0.015
V	400,000	999,999	28,728	0.005
VI	1,000,000		31,728	0.004

III. Effect of Proposed Changes:

CS/SB 514 amends the base salaries and group rates for Supervisors of Elections as follows:

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$21,250	\$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

These amended base salaries and group rates would match the current base salaries and group rates used to calculate the salaries of the Clerks of Circuit Court, Property Appraisers, and the Tax Collectors.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁶ If a Supervisor of Elections is certified by the Department of State’s Division of Elections, he or she is entitled to an additional \$2,000 per year pursuant to s. 145.09(3), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The base salary and group rate changes would result in additional compensation to the Supervisors of Election. The exact amount of those increases is not known.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 145.09 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Ethics and Elections on November 17, 2015:

CS/SB 514 differs from the original bill in that it also amends the base salaries for Supervisors of Elections to match the current base salaries of the Clerks of Circuit Court, Property Appraisers, and the Tax Collectors.

B. Amendments:

None.



462810

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/17/2015	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 21 - 27
 and insert:

I			<u>\$21,250</u>	<u>\$0.07875</u>
	-0-	49,999	\$17,228	\$0.075
II			<u>24,400</u>	<u>0.06300</u>
	50,000	99,999	<u>20,228</u>	<u>0.060</u>



462810

7	III			<u>27,550</u>	<u>0.02625</u>
		100,000	199,999	23,228	0.025
8	IV			<u>30,175</u>	<u>0.01575</u>
		200,000	399,999	25,728	0.015
9	V			<u>33,325</u>	<u>0.00525</u>
		400,000	999,999	28,728	0.005
10	VI			<u>36,475</u>	<u>0.00400</u>
		1,000,000		31,728	0.004

11
12
13
14
15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete line 3

19 and insert:

20 amending s. 145.09, F.S.; revising the base salaries
21 and group rates used

By Senator Richter

23-00579-16 2016514__

1 A bill to be entitled
 2 An act relating to supervisor of elections salaries;
 3 amending s. 145.09, F.S.; revising the group rate used
 4 to calculate additional compensation for a supervisor
 5 of elections based on population increments; providing
 6 an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Subsection (1) of section 145.09, Florida
 11 Statutes, is amended to read:
 12 145.09 Supervisor of elections.-
 13 (1) Each supervisor of elections shall receive as salary
 14 the amount indicated, based on the population of his or her
 15 county. In addition, a compensation shall be made for population
 16 increments over the minimum for each population group, which
 17 shall be determined by multiplying the population in excess of
 18 the minimum for the group times the group rate.
 19

Pop. Group	County Pop. Range	Base Salary	Group Rate
	Minimum Maximum		
I	-0- 49,999	\$17,228	<u>\$0.07875</u> \$0.075
II	50,000 99,999	20,228	<u>0.06300</u> 0.060

23-00579-16 2016514__

23 III 100,000 199,999 23,228 0.02625
~~0.025~~
 24 IV 200,000 399,999 25,728 0.01575
~~0.015~~
 25 V 400,000 999,999 28,728 0.00525
~~0.005~~
 26 VI 1,000,000 31,728 0.00400
~~0.004~~
 27
 28 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-17-15

Meeting Date

514

Bill Number (if applicable)

Topic ~~SB~~ Pay Parity

Amendment Barcode (if applicable)

Name Lori Scott

Job Title Brevard Cnty Supervisor of Elections

Address Street

Phone

City

State

Zip

Email LScott@votebrevard.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

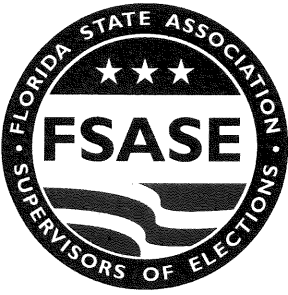
Representing FSASE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



FLORIDA STATE ASSOCIATION OF SUPERVISORS OF ELECTIONS

PO Box 350 | Tallahassee, FL 32302 | Telephone: (850) 599-9120

2016 FSASE LEGISLATIVE PRIORITIES

Executive Committee
2015 -2016

President
Brian Corley
President-Elect
Chris Chambless
Vice-President
Dana Southerland

Secretary
Paul Lux

Treasurer
Tammy Jones

Past President
Lori Edwards

- Create a public records exemption in section 97.0585, F.S., to exempt each voters:

- e-mail address
- phone number
- date of birth
- all information concerning pre-registered 16 and 17 year olds

Board Of Directors
2015 -2016

Tappie Villane
Mark Andersen
Tommy Hardee
Wesley Wilcox
Vicky Oakes
Lori Scott
Deborah Clark
Mike Bennett
Diane Hagan
Brenda Hoots

- Expand ID requirements for voting in section 101.043, F.S., to include concealed weapons or firearms permits and veterans identification card.

- Amend section 101.68(4)(c), F.S., to correct technical error in absentee ballot affidavit.

- Allow signature updates by voters until 5:00 p.m. the day prior to an election for absentee ballots.

- Provide that the Chief Judge appoint the alternate for the Supervisor of Elections on the Canvassing Board if the supervisor is unable to serve.

- Provide pay equity for supervisor of elections.

General Counsel

Ronald Labasky, Esq.

Stanley M. Weston
Chair

Matthew F. Carlucci
Vice Chair

Michelle Anchors

Michael Cox

I. Martin Ford

Tom Freeman

Wiley Horton

Susan Horovitz Maurer

Linda McKee Robison



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

Virlindia Doss
Executive Director

C. Christopher Anderson, III
*General Counsel/
Deputy Executive Director*

(850) 488-7864 Phone

(850) 488-3077 (FAX)

www.ethics.state.fl.us

"A Public Office is a Public Trust"

MEMORANDUM

TO: All Interested Persons

FROM: Virlindia Doss, Executive Director *VD*

SUBJECT: Proposed Legislation for 2016

DATE: October 14, 2015

In 2016, the Ethics Commission recommends the Legislature make the following changes in the Code of Ethics:

1. Investigations

Give the Commission limited authority to investigate situations without having to receive a complaint, by allowing it to investigate a situation if it has received reliable and publicly disseminated information indicating a violation of the ethics laws, and an extraordinary majority of the Commission agrees to investigate.

2. Conflicts of Interest

Section 112.313(7)(a), the conflict of interest law, prohibits an official from having certain contractual relationships. But corporations and various other entities are viewed as separate legal persons from those who own or control them. This creates a loophole which may allow an official's wholly-owned, one-man corporate entity to do things the official himself could not—such as have a contractual relationship with a company doing business with his agency. To close this loophole, the Commission recommends changing the law to apply the prohibition not only to officials, but to any legal entity the official controls.

3. Recovery of Fines

The problem of officials who fail to pay the automatic fines they receive for failing to make financial disclosure is well-documented. The 2013 Legislature gave the Commission the ability to make salary withholdings and garnish wages, and extended the statute of limitations to 20 years. As a complement to these tools, the Commission proposes further amending the law to allow it to record its final orders in these matters as liens on the debtor's real and personal property.

4. Increased Penalties

The Commission proposes the maximum be increased from \$10,000 to \$20,000.

5. Change Standard for Awarding Attorney's Fees against Complainants

As a way in which to address the perceived "chilling effect" on potential Complainants, created by the decision in Brown v. State, Comm'n on Ethics 969 So. 2d 553 (Fla. 1st DCA 2007), the Commission recommends legislatively clarifying that the standard is as it had previously been construed by the Commission—that Complainants are held to the same standard applicable to media publications regarding public figures.

6. Increased Reporting for Elected Officials

All elected Constitutional officers must file Form 6—Full and Public Disclosure of Financial Interests. Many other elected officers have similar authority and spending power, but are only required to file the less-informative Form 1—Disclosure of Financial Interests. The Commission believes that anyone asking for the citizens' votes should be willing to make full disclosure, and should be required to file the form 6.

7. Financial Disclosure

- a. A 2013 change to the law allows filers 30 days to correct a "de minimis" error or omission, but it is not clear what is to be considered "de minimis" and what is not. The Commission recommends the Legislature specify what it considers "de minimis" to aid the Commission in implementing this section.
- b. Section 112.3145 provides two ways in which Form 1 filers can disclose their income, intangible personal property, and liabilities. The "dollar value threshold" method requires reporting based on a fixed threshold; for example, an official reports the source of gross income over \$2,500. The "comparative (percentage) threshold" method requires reporting based on a calculation; for example, an official reports the source of income which exceeded 5% of his gross income.

The comparative percentage threshold method is complicated and confusing to users, requires a great deal of explanation in the instructions and by staff, and in

most cases is *less* informative to the public than the dollar value threshold method. As such, the Commission recommends eliminating the percentage threshold method.

8. Voting Conflicts Law

- a. The Commission recommends the law regarding voting conflicts be changed to prohibit local officials from making any attempt to influence a decision in which they have a conflict, including making any attempt to influence staff about the matter, or to use staff members to influence the outcome of that matter. This would address situations in which local officials participate in discussions and attempt to influence agency decisions even though they have a voting conflict that precludes them from later voting on the matter.
- b. The Commission also recommends that the voting conflict standard for appointed State officials be changed to mirror the standard for local officials.

9. Anti-Nepotism Law

The Commission has seen situations where a public official's relative was appointed or hired to a position by the board on which the official served, with the official abstaining from voting. It recommends that the law be amended to hold the relative who was improperly appointed or hired responsible under these circumstances.

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Committee on Ethics and Elections

Judge:

Started: 11/17/2015 3:33:37 PM

Ends: 11/17/2015 4:16:00 PM

Length: 00:42:24

3:33:35 PM Meeting called to order
3:33:45 PM Quorum present
3:33:59 PM SM 630- Presented by Sen Bean "Convention for Congressional Term Limits"
3:35:40 PM Members with questions on SM 630
3:40:28 PM John Hallman- Liberty First Network- Speaking for convention
3:44:10 PM Members in debate on SM 630
3:47:04 PM Sen Negron - Motion to temporarily postpone bill
3:48:22 PM Sen Bean - Motion to temporarily pass bill
3:48:47 PM Sen Negron motion withdrawn
3:49:00 PM Debate continued-- Sen Thompson
3:50:50 PM Sen Bean close on SM 630
3:51:50 PM SM 630- Bill passes by vote
3:52:31 PM Chair passed to Vice Chairman Legg
3:52:43 PM SB 514- Presented by Sen Richter "Supervisor of Elections Salaries"
3:53:53 PM Members with questions on SB 514
3:56:00 PM Ammendment barcode 46827 presented by Sen Richter
3:57:11 PM Sen Richter waive close on amendment
3:57:16 PM Ammendment adopted
3:57:19 PM Appearances on bill as amended
3:57:26 PM Lori Scott- FSASE- Waive in support
3:58:15 PM Sen Richter- Close on CS SB 514
3:58:29 PM CS SB 514- Reported favorably
3:58:56 PM Chair returned to Chairman Richter
3:59:09 PM Presentation by Virindia Doss- Executive Director of FL Ethics Commission
4:02:09 PM Questions on presentation -- Sen Clemens
4:04:32 PM Sen Smith with questions on presentation
4:05:37 PM Ron Labasky - FSASE - introduces Lori Scott
4:07:02 PM Lori Scott- Brevard County Supervisor of Elections - Presentation of priorities
4:10:02 PM Members with questions on presentation -- Sen Braynon
4:11:34 PM Sen Smith questons on presentation
4:13:33 PM Sen Clemens questions on presentation
4:14:48 PM Meeting adjourned